

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

NATIONAL LIABILITY & FIRE  
INSURANCE CO., and BOAT  
OWNERS ASSOCIATION OF THE  
UNITED STATES,  
Plaintiffs,

V.

NATHAN CARMAN,  
Defendant.

C.A. No. 17-38-JJM-PAS

## ORDER

During a chambers conference on Thursday, August 8, 2019, the Court made these rulings:

1. The trial of the case will be bifurcated. Only Plaintiff's Counts I (Vermont Endorsement); Count II (*Uberrimae Fidei*); Count IV (Policy Exclusion D); Count VI (Breach of the Negative Implied Warranty of Seaworthiness); and Defendant's Counterclaims (six counts) will be tried at this time. All remaining counts will be severed for resolution after the Court rules on the above counts. The Court therefore will not be trying any issues involving the counts that allege intentional acts by Mr. Carman. The Court will be trying whether Mr. Carman's actions (specifically the alleged removal of the bulkhead, the removal of the trim tabs, and the repair of the transom holes) establish that any of the exclusions asserted in Counts I, II, IV, and VI apply.

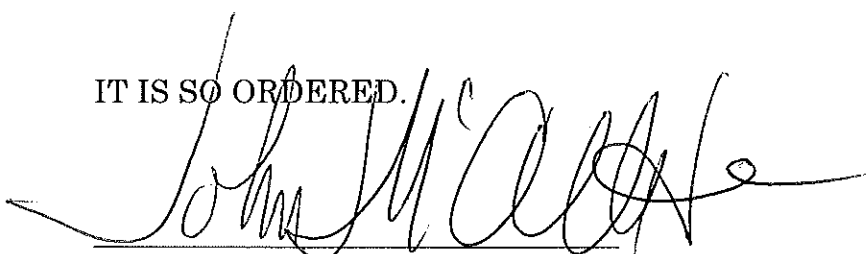
2. This non-jury trial will be tried each day from 9:30 a.m. to 12:30 p.m. and 1:30 p.m. to 4:30 p.m. (with a 15-minute break each morning and afternoon). These exceptions to that schedule will apply this week. Wednesday (8/14) the trial will end for the day at 1:30 p.m.; Thursday (8/15) there will be no trial from 1:30 p.m. to 3 p.m.; and Friday (8/16) there will be no trial from 2:00 p.m. to 2:30 p.m.
3. Each side is limited to 15 hours. Each side will be charged with their time on direct exam, cross exam, objections, and opening/closings. The Court will use a chess clock as well as the transcript and the attorneys are encouraged to check their progress often.
4. Motions rulings:
  - a. ECF No. 140: Plaintiffs' Motion in Limine to Preclude Parol Evidence is DENIED WITHOUT PREJUDICE. Objections based on parol evidence can be dealt with when any evidence in question is sought to be introduced.
  - b. ECF No. 144: Plaintiff's Motion in Limine to Admit Evidence Relating to the Murder of John Chakalos is DENIED WITHOUT PREJUDICE. Because the issues of Mr. Carman's alleged intentional acts have been severed from this trial, there is no need for introduction of any evidence at this time about the death of his grandfather, or questions whether Mr. Carman intentionally caused the death of his mother.

c. ECF No. 148: Defendant's Motion to Exclude certain Trial Exhibits is DENIED.

d. ECF No. 149: Defendant's Motion to Preclude witnesses Aucoin, Calio, and LeGeyt is DENIED.

5. The parties are encouraged to cooperate on the efficient introduction of evidence and to work to resolve any potential challenges to authenticity of documents. Depositions and/or deposition video need not be read/played in Court and can be introduced for review by the Court later. Updated witness lists (in the order that the witnesses will be called) must be exchanged by Noon on Friday August 9, 2019.

IT IS SO ORDERED.



John J. McConnell, Jr.  
United States District Judge

August 9, 2019